

# PROPOSED AGREED ORDER

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA: NORFOLK DIVISION**

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IN THE MATTER OF COEYMANS MARINE TOWING,  
LLC D/B/A CARVER MARINE TOWING AS OWNER  
AND OPERATOR OF M/T MACKENZIE ROSE, (IMO  
NO. 8968765), HER CARGO, ENGINES, BOILERS,  
TACKLE, EQUIPMENT, APPAREL, AND  
APPURTENCES, ETC., IN REM (“M/T MACKENZIE ROSE”)  
PETITIONING FOR EXONERATION FROM  
OR LIMITATION OF LIABILITY IN ALLISION WITH  
NORFOLK AND PORTSMOUTH BELT LINE  
RAILROAD COMPANY MAIN LINE RAILROAD  
BRIDGE (THE “BRIDGE”) OCCURING JUNE 15, 2024  
IN AND ABOUT THE ELIZABETH RIVER, VIRGINIA

**Case No. 2:24-cv-490**

**In Admiralty**

**AGREED ORDER**

Subject to any motions now pending, Petitioner Coeymans Marine Towing, LLC dba Carver Marine Towing (“Carver Marine”) and Claimants Norfolk and Portsmouth Belt Line Railroad Company (“Belt Line”) and Evanston Insurance Company, upon their joint request to modify the discovery schedule set forth in the Rule 16(b) Scheduling Order [Doc. 56], as set forth below, the Court ORDERS as follows:

1. Paragraph 2 of the Court’s Rule 16(b) Scheduling Order (“Scheduling Order”) [Doc. 56] is amended as follows.

2. The party having the burden of proof upon the primary issue to which potential Rule 702, 703 or 705 evidence is directed shall identify expert witnesses to be proffered upon such an issue by name, residence and business address, occupation and field of expertise on **June 4, 2025**. The disclosure outlined in Rule 26(a)(2)(B) shall be made on **July 2, 2025**. In addition to the disclosures required by Rule 26(a)(2)(B), the same disclosure shall be made on the same dates regarding all witnesses proffered by a party for the purpose of presenting evidence under Rules 702, 703 or 705 of the Federal Rules of Evidence, whose first direct contact with the

case or the parties occurred subsequent to the filing of this action. Rule 702, 703 or 705 disclosures intended solely to respond to, contract or rebut evidence on the same subject matter disclosed by another party pursuant to paragraph (a)(2)(B) of Rule 26, or pursuant to this order, shall be made on August 8, 2025. Any rebuttal disclosure by the party bearing the initial burden of proof shall be made on August 22, 2025, and shall be limited as to the source to expert witnesses previously identified. Further rebuttal to rule 702, 703 or 705 evidence shall be permitted only by leave of court.

3. Except for the foregoing, no other changes are made to the Rule 16(b) Scheduling Order [Doc. 56].

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Mark S. Davis  
Chief Judge  
United States District Court

**Seen and Agreed:**

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